

AO 91 (Rev. 11/11) Criminal Complaint

**FILED**

**UNITED STATES DISTRICT COURT** **UNITED STATES DISTRICT COURT**  
**for the** **LAS CRUCES, NEW MEXICO**

District of New Mexico



AUG 10 2022

United States of America

v.

John Oliver Hamilton

Case No.

22-MJ- 1301

**MITCHELL R. ELLERS**  
**CLERK OF COURT**

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*Defendant(s)*
**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 27 July 2022 in the county of Dona Ana in the  
       District of New Mexico, the defendant(s) violated:

*Code Section*  
 Title 18, U.S.C. 844(e)

Interstate Threats

*Offense Description*

This criminal complaint is based on these facts:  
 See Affidavit

☒ Continued on the attached sheet.

*Complainant's signature*

Special Agent David S. Gabriel

*Printed name and title*

Signed electronically and sworn telephonically.

Date:

August 10, 2022
*Judge's signature*

City and state:

Las Cruces, New Mexico

The Hon. Carmen E. Garza, US Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, David S. Gabriel, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent (SA) of the FBI since May of 2018. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned to the Albuquerque Field Office, Las Cruces Resident Agency, New Mexico. Prior to my current position, I was employed for six years as an analyst and briefer in a federal intelligence service. I am currently assigned to investigate violations of federal law, including Indian County Crimes and violent crimes against children.

2. During my tenure with the FBI, I have received formal and informal training in conducting a variety of criminal investigations. I have participated in the execution of arrest and search warrants and seized evidence of these violations, conducted surveillance, and investigated violent crimes against children. I have conducted dozens of interviews, to include witness, subject, and victim interviews.

3. The information contained herein is based upon my own investigations as well as information supplied to me by other duly sworn law enforcement officers, and does not contain all information known by me, only facts for consideration of probable cause.

4. I make this affidavit in support of a criminal complaint that on or about July 27, 2022, in Doña Ana County, in the District of New Mexico, in the city of Las Cruces, John Oliver Hamilton, using a telephone, willfully made threats to kill staff of New Mexico State University (NMSU) and to unlawfully destroy buildings of the NMSU campus by means of fire in violation

of Title 18, United States Code, Sections 844(e).

**Relevant Statutes**

5. Title 18 U.S.C. § 844(e) states: “whoever, through the use of the mail, telephone, telegraph, or other instrument of interstate or foreign commerce, or in or affecting interstate or foreign commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of fire or an explosive shall be imprisoned for not more than 10 years or fined under this title, or both.”

**Probable Cause**

6. On July 27, 2022, staff at New Mexico State University’s Office of Institutional Equality contacted NMSU Police to report a string of telephonic threats being made to NMSU personnel by an individual that had been placed on that date. NMSU recorded multiple calls from this individual and provided them to the NMSU Police, who later provided them to me. I reviewed these calls myself prior to submitting this affidavit. In multiple calls, the caller identifies himself as “John Hamilton” and provides his telephone number. Open source information available to me attributes the phone number listed in the calls to Hamilton with an associated address in Las Cruces, New Mexico. The NMSU staff told the responding officer that Hamilton has threatened university staff before and they were already aware of him.

7. In the calls, Hamilton makes multiple explicit threats including: “I’ll burn your fucking entire school down in thirty fucking minutes. There won’t be enough fire trucks in the area to put it out.”<sup>1</sup> In one call, Hamilton says NMSU is “playing with fire” by bothering him because

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<sup>1</sup> In the calls, Hamilton also stated: “You know what I’m gonna do right? I’m gonna come down

he does not know how long he will live and therefore he “could get every building in that place burning fiercely within half an hour...coke bottle here, coke bottle there.” Based on my training and experience, I believe this is a reference to construction of a Molotov cocktail, typically constructed from a glass bottle filled with flammable liquid thrown at an arson target. In that same call, Hamilton says he believes “no lives matter...which means I don’t care if I take lives...it doesn’t matter to me. Any loss is no loss whatsoever. I have made no threats. I just pointed out that in my mind, no lives matter, that means your teachers, your students, your caterers, I don’t care who they are.” Later he says “I’ll be happy to see all of you die.... If I choose, which I have not, but if I did, I could have that entire campus burning at 1200 degrees or more in half an hour.” Hamilton also threatened specific staff at the school. Hamilton appears to be very upset in the calls and can be heard screaming and panting at times.

8. On July 27, 2022, Hamilton was arrested by New Mexico State Police (NMSP) related to the incidents described above. NMSP went to the address that matches the address I attribute to Hamilton based on open source information. Hamilton was not at that address at that time, but a person at that address directed law enforcement to the location that person believed Hamilton would be at. NMSP then went to that location and found Hamilton. At the time, without being questioned, Hamilton told the arresting officers he knew why they were there to arrest him, denied making any threats, and claimed he was the victim of a conspiracy.

9. Follow up investigation revealed that the cellular provider for Hamilton’s phone is T-Mobile/Sprint, which I know is part of a national cellular network.

### **Conclusion**

10. Given the information listed above, I submit that probable cause exists to believe

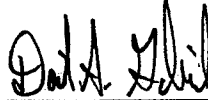
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there and kill all of you,” “That fucking school that has made me want to just kill all of you.”

that John Oliver Hamilton violated Title 18 U.S.C. § 844(e) which makes it a crime for any person to use a telephone to threaten to kill another person or destroy a building by means of fire. I respectfully request an arrest warrant be issued for John Oliver Hamilton.

11. Assistant United States Attorney Marisa Ong approved prosecution in this case.

Respectfully submitted,



David S. Gabriel  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 10<sup>th</sup> day of August 2022.



The Honorable Carmen E. Garza  
United States Magistrate Judge